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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/240,919	01/29/1999	ALEX E. HENDERSON	3625	7950

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EXAMINER

PATEL, AJIT

ART UNIT PAPER NUMBER

2664

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/240,919

Applicant(s)

HENDERSON ET AL.

Examiner

AJIT G. PATEL

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 June 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 29,31-42,47-49,55-64 and 72-83 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29,31-42,47-49,55-64 and 72-83 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 29,31-42,47-49,55,56,59,62,63,72-83 are rejected under 35 U.S.C. 102(e) as being anticipated by Ward (newly cited, U.S. Pat. # 6,304,903).

Regarding claims 29,37,47,55,72, Ward comprising a state machine for collecting information on use of a packet network comprising a filtering database comprising layered rule tables (314, 316 of fig. 3; lines 31-50, col. 9), wherein each rule table comprises a protocol element locator and a default rule (lines 29-39, col. 7; lines 23-49, col. 8); packet filtering engine coupled to the filtering database for filtering the packets using at least one rule table in the filtering database (320 of fig. 3).

Regarding claims 31,38,55,73, Ward disclose the limitation “each rule table further comprises at least one filtering rule” (TABLE 1 of col. 7).

Regarding claims 32,39,75, Ward discloses the limitation “at least one filtering rule comprises a statistics counter” (28 of fig. 1).

Regarding claims 33, 40,76, Ward discloses the limitation “the protocol element locator comprises an offset and a mask for selecting a protocol element of a packet” (lines 5-22, col. 8).

Regarding claim 34, Ward discloses the limitation "protocol element locator further comprises a table timer and statistics counters (col. 5, line 48 through line 27, col. 6, specifically lines 55-64, col. 5).

Regarding claims 35,41,47,56, Ward discloses the limitation "a packet buffer for storing packets (18 of fig.1; 306 of fig. 3); a protocol element locator buffer for storing the protocol element locator (62,64,66 of fig. 3); and a rule evaluator for receiving a packet from the packet buffer and applying at least one rule table to the packet (320 of fig. 3)".

Regarding claims 36,37,49,59,63 Ward discloses the limitation "the packet filtering engine is coupled to receive a packet prototype modifying the filtering database" (lines 12-17, col. 2).

Regarding claim 42,47, Ward discloses the limitation "the rule evaluator uses the protocol element locator to select a protocol element from a packet" (320 of fig. 3).

Regarding claim 74, Ward discloses the limitation "the filtering rule comprises a pointer to another rule table" (lines 27-54, col. 11).

Regarding claims 77-83 are rejected the same way as the claims are rejected previously.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 57,58 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward in view of Gobuyan et al (newly cited, U.S. Pat. 5,917,821).

Ward discloses all the subject matter as described in previous paragraph except the range of the protocol element descriptor. Gobuyan et al disclose the packet filtering system in which the protocol descriptor has the range to filter the packet (lines 54-60, col. 2). Therefore, it would have been obvious to one skilled in the art to use protocol descriptor has the range to filter the packet as taught by Gobuyan et al in the system of Ward to filter the in coming packet so that the packet can be forward to the destination.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 60,61 are rejected under 35 U.S.C. 102(e) as being anticipated by Hariguchi et al (newly cited, U.S.Pat.6,181,698).

Regarding claim 60, Hariguchi discloses a packet filtering in the communication network which comprising a packet data interface, for receiving a packet (306 of fig. 8);

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a parallel filtering database coupled to the packet data interface, the parallel filtering database for evaluating rules in a single rule table in parallel (line 42-49,61-67, col. 5).

Regarding claim 61, Hariguchi discloses at least one Table ID Content Addressable memory (CAM); a Filtering rule storage; and an Associated Data (lines 19-42, col. 6).

7. Applicant's arguments with respect to claims 29,31-42,47-49,55-64,72-83 have been considered but are moot in view of the new ground(s) of rejection.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AJIT G. PATEL whose telephone number is 571-272-3140. The examiner can normally be reached on MONDAY-THURSDAY.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AP

  
**Ajit Patel**  
**Primary Examiner**